

ATTACHMENT 48

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC.,)
)
Plaintiff,)
)
vs.) Case No. 5:14-cv-05344-BLF (PSG)
)
ARISTA NETWORKS, INC.,)
)
Defendant.)
)
_____)

VIDEOTAPED DEPOSITION OF DREW PLETCHER

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Date and Time: Thursday, May 26, 2016
9:34 a.m.

Location: Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Reported by: Cammi R. Bowen, CSR-13492
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1	APPEARANCES:	1	EXHIBITS - CONTINUED
2	For the Plaintiff: QUINN EMANUEL URQUHART & SULLIVAN LLP	2	Exhibit Document Bates-numbered
3	50 California Street	1211	CSI-ANI-00501435 202
4	22nd Floor	3	Exhibit
5	San Francisco, CA 94111	4	1212 Withdrawn due to privilege 216
6	Tel: (415) 875-6328	5	Exhibit
7	E-mail: Carlanderson@quinnemanuel.com	1213	Withdrawn due to privilege 217
8	BY: CARL G. ANDERSON, ESQ	6	Exhibit Document Bates-stamped
9		7	1214 CSI-ANI-00094857 221
10		8	Exhibit Document Bates-stamped
11	For the Defendants: KEKER & VAN NEST LLP	1215	CSI-ANI-00103051 230
12	633 Battery Street	9	Exhibit Document Bates-stamped
13	San Francisco, CA 94111-1809	10	1216 CSI-ANI-00447896 242
14	Tel: (415) 676-2248	11	Exhibit Document Bates-stamped
15	E-mail: Emccloskey@kvn.com	1217	CSI-ANI-00452262 248
16	BY: ELIZABETH K. MCCLOSKEY, ESQ	12	Exhibit Document Bates-stamped
17		13	1218 CSI-CLI-01793755 251
18	WILSON SONSINI GOODRICH & ROSATI	14	Exhibit Document Bates-stamped
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20	Spear Tower, Suite 3300	15	Exhibit Document Bates-stamped
21	San Francisco, CA 94105-1126	16	1220 CSI-ANI-00067670 261
22	Tel: (415) 947-2077	17	Exhibit Document Bates-stamped
23	BY: BEN LABOW, ESQ	1221	CSI-ANI-00068924 265
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25	Also Present: Andrea Baker, Videographer	19	1222 CSI-CLI-03217927 266
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1 THE VIDEOGRAPHER: Good morning We are on 09:13:56	1 testifying under penalty of perjury? 09:35:37
2 the video record The time is 9:34 a m Today's 09:34:13	2 A. Yes, I do. 09:35:39
3 date is May 26th, 2016 My name is Andrea Baker, 09:34:17	3 Q. Is there any reason you can't provide 09:35:40
4 here with our court reporter, Cammi Bowen We are 09:34:21	4 truthful testimony today? 09:35:43
5 here from Veritext Legal Solutions The deposition 09:34:25	5 A. No, there's not. 09:35:44
6 is being held at 650 Page Mill Road in Palo Alto, 09:34:28	6 Q. Have you ever testified in a deposition 09:35:45
7 California 09:34:32	7 before? 09:35:48
8 The case caption is Cisco Systems, Inc vs 09:34:32	8 A. Yes, I have. 09:35:49
9 Arista Networks, Inc Case number 09:34:38	9 Q. So you -- I assume you know the ground 09:35:50
10 5:14-cv-05344-BLF 09:34:43	10 rules, but I'll just cover a couple of them quickly. 09:35:52
11 Will all counsel please state their name 09:34:44	11 If you don't understand any question that I 09:35:55
12 for the record and who they represent 09:34:47	12 ask, let me know and I'll clarify it for you. 09:35:58
13 MS MCCLOSKEY: Elizabeth McCloskey of 09:34:49	13 And -- and this is a good time to tell you 09:36:00
14 Keker & Van Nest on behalf of Arista Networks 09:34:53	14 that it's important that you give audible answers so 09:36:03
15 MR LABOW: Ben Labow from Wilson Sonsini 09:34:55	15 that the court reporter can write down everything 09:36:06
16 on behalf of Arista 09:34:58	16 that you say. 09:36:08
17 MR ANDERSON: Carl Anderson for Cisco 09:34:59	17 A. Understand. 09:36:10
18 Systems and the witness 09:35:03	18 Q. And if you answer a question, I will assume 09:36:10
19 THE VIDEOGRAPHER: Will the court reporter 09:35:04	19 that you understand my question. 09:36:13
20 please swear in the witness 09:35:05	20 Did you do anything to prepare for your 09:36:15
21 THE COURT REPORTER: Raise your right hand, 09:35:05	21 deposition today? 09:36:18
22 please 09:35:05	22 A. The only preparation was to review my 09:36:21
23 Do you swear to tell the truth, the whole 09:35:05	23 previous deposition testimony. 09:36:24
24 truth, and nothing but the truth? 09:35:05	24 Q. Did you meet with anyone to prepare for 09:36:28
25 WITNESS: I do 09:35:13	25 your deposition today? 09:36:32
Page 6	Page 8
1 THE VIDEOGRAPHER: Please begin. 09:35:13	1 A. Met with Carl Anderson. 09:36:34
2 DREW PLETCHER, 09:35:11	2 Q. When did you and Mr. Anderson meet? 09:36:40
3 being first duly affirmed by the Certified Shorthand 09:35:11	3 A. Yesterday. 09:36:43
4 Reporter to tell the truth, the whole truth, and 09:35:11	4 Q. How long did you meet for? 09:36:43
5 nothing but the truth, testified as follows: 09:35:11	5 A. It was about four hours, five hours, 09:36:48
6 EXAMINATION 09:35:11	6 roughly. 09:36:51
7 BY MS. MCCLOSKEY: 09:35:11	7 Q. Did you -- did you meet with Mr. Anderson 09:36:52
8 Q. Good morning, Mr. Pletcher. 09:35:15	8 in person? 09:36:55
9 A. Good morning. 09:35:16	9 A. Yes. 09:36:55
10 Q. We met briefly off the record, but I'm 09:35:17	10 Q. Okay. Did you discuss your deposition with 09:36:55
11 Lizzy McCloskey, and I represent defendant Arista 09:35:18	11 anyone, other than Mr. Anderson? 09:36:58
12 Networks in this action, and I'll be asking you some 09:35:22	12 A. No, I have not. 09:37:00
13 questions today. 09:35:25	13 Q. Did you discuss your deposition with anyone 09:37:01
14 A. Okay. 09:35:26	14 else from Cisco? 09:37:05
15 Q. Can you please state your full name for the 09:35:26	15 A. No, I have not. 09:37:05
16 record. 09:35:28	16 Q. Did you review any documents yesterday with 09:37:06
17 A. Yes. My full name is Andrew Albert 09:35:28	17 Mr. Anderson? 09:37:07
18 Pletcher. 09:35:30	18 MR. ANDERSON: Going to caution the witness 09:37:07
19 Q. Do you understand that you're under oath 09:35:31	19 not to reveal the contents of any privileged 09:37:09
20 today? 09:35:32	20 attorney-client communications. If you can answer 09:37:12
21 A. I do. 09:35:32	21 the question without revealing privileged 09:37:14
22 Q. Do you understand that you're required to 09:35:32	22 communications, you can do so. 09:37:17
23 answer truthfully? 09:35:34	23 THE WITNESS: We reviewed the -- my 09:37:19
24 A. Yes, I do. 09:35:35	24 testimony from the previous deposition for the ITC 09:37:23
25 Q. And do you understand that you are 09:35:35	25 Section 2 case. 09:37:29
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1	Q. Did you know any of the early people in	12:00:15	[REDACTED]
2	that time, 2008 time period, who worked at Cisco?	12:00:16	[REDACTED]
3	I mean -- excuse me -- who worked at	12:00:21	[REDACTED]
4	Arista?	12:00:22	[REDACTED]
5	A. I had met Andy Bechtolsheim, you know, at	12:00:24	[REDACTED]
6	some point. I knew Mark Foss. I had worked with	12:00:29	[REDACTED]
7	him on some projects when I was in one of the	12:00:33	[REDACTED]
8	business units.	12:00:37	[REDACTED]
9	At that time, I -- I really didn't know a	12:00:47	[REDACTED]
10	lot of the people. As they progressed, you know --	12:00:50	[REDACTED]
11	in 2009, 2010, as they were hired, there were other	12:00:53	[REDACTED]
12	people that I knew.	12:00:57	[REDACTED]
13	Q. To the best of your understanding, when was	12:00:59	[REDACTED]
14	the first time that Cisco became aware of Arista as	12:01:00	[REDACTED]
15	a competitor?	12:01:04	[REDACTED]
16	MR. ANDERSON: Objection. Lacks	12:01:06	[REDACTED]
17	foundation, calls for speculation.	12:01:07	[REDACTED]
18	THE WITNESS: Don't know. I -- I know when	12:01:11	[REDACTED]
19	I became aware of it, only because they were	12:01:14	[REDACTED]
20	positioning into a space that I focused on.	12:01:19	[REDACTED]
21	BY MS. MCCLOSKEY:	12:01:23	[REDACTED]
22	Q. Well, in 2008, when you became aware of	12:01:24	[REDACTED]
23	Arista, did you talk to other people at Cisco about	12:01:26	[REDACTED]
24	Arista?	12:01:30	[REDACTED]
25	A. No.	12:01:31	[REDACTED]
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1	Q. You don't recall any conversations?	12:01:31	[REDACTED]
2	A. I don't recall -- I don't recall	12:01:32	[REDACTED]
3	conversations, no.	12:01:34	[REDACTED]
4	[REDACTED]		[REDACTED]
5	[REDACTED]		[REDACTED]
6	[REDACTED]		[REDACTED]
7	[REDACTED]		[REDACTED]
8	[REDACTED]		[REDACTED]
9	[REDACTED]		[REDACTED]
10	[REDACTED]		[REDACTED]
11	[REDACTED]		[REDACTED]
12	[REDACTED]		[REDACTED]
13	[REDACTED]		[REDACTED]
14	[REDACTED]		[REDACTED]
15	[REDACTED]		[REDACTED]
16	[REDACTED]		[REDACTED]
17	[REDACTED]		[REDACTED]
18	[REDACTED]		[REDACTED]
19	[REDACTED]		[REDACTED]
20	[REDACTED]		[REDACTED]
21	[REDACTED]		[REDACTED]
22	[REDACTED]		[REDACTED]
23	[REDACTED]		[REDACTED]
24	[REDACTED]		[REDACTED]
25	[REDACTED]		[REDACTED]
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<p>1 A. Not on a -- not on a Cisco document. 06:40:47</p> <p>2 Q. Do you recall ever seeing the phrase "gold 06:40:49</p> <p>3 standard CLI"? 06:40:54</p> <p>4 A. I recall seeing it on internal draft slides 06:40:54</p> <p>5 and discussions with marketing. But purely as a 06:40:59</p> <p>6 statement of value of something, it's -- it's used 06:41:03</p> <p>7 in conjunction and is really replaced by setting the 06:41:09</p> <p>8 bar. 06:41:12</p> <p>9 Q. And so have you ever seen a Cisco document, 06:41:13</p> <p>10 a Cisco presentation that refers to Cisco's CLI as 06:41:17</p> <p>11 the gold standard? 06:41:21</p> <p>12 MR. ANDERSON: Objection. Asked and 06:41:22</p> <p>13 answered. 06:41:23</p> <p>14 THE WITNESS: Not explicitly, no. 06:41:23</p> <p>15 MS. MCCLOSKEY: Okay. I have no further 06:41:26</p> <p>16 questions today. Thank you so much, Mr. Pletcher -- 06:41:28</p> <p>17 THE WITNESS: You're welcome. 06:41:28</p> <p>18 MS. MCCLOSKEY: -- for your time. 06:41:30</p> <p>19 THE VIDEOGRAPHER: This concludes today's 06:41:31</p> <p>20 deposition of Drew Pletcher. We are now going off 06:41:32</p> <p>21 the record. The time is 6:41 p.m. 06:41:36</p> <p>22 (Whereupon, the deposition of Drew</p> <p>23 Pletcher was concluded at 6:41 p.m.)</p> <p>24 --oOo--</p> <p>25</p> <p style="text-align: right;">Page 326</p>	
<p>1 CERTIFICATE OF REPORTER</p> <p>2</p> <p>3 I, CAMMI R. BOWEN, a Certified Shorthand</p> <p>4 Reporter, hereby certify that the witness in the</p> <p>5 foregoing deposition was by me duly sworn to tell the</p> <p>6 truth, the whole truth, and nothing but the truth in the</p> <p>7 within-entitled cause;</p> <p>8 That said deposition was taken down in</p> <p>9 shorthand by me, a disinterested person, at the time and</p> <p>10 place therein stated, and that the testimony of the said</p> <p>11 witness was thereafter reduced to typewriting, by</p> <p>12 computer, under my direction and supervision;</p> <p>13 Further, that if the foregoing pertains to the</p> <p>14 original transcript of a deposition in a Federal Case,</p> <p>15 before completion of the proceedings, review of the</p> <p>16 transcript [] was [X] was not requested.</p> <p>17 I further certify that I am not of counsel or</p> <p>18 attorney for either or any of the parties to the said</p> <p>19 deposition, nor in any way interested in the events of</p> <p>20 this cause, and that I am not related to any of the</p> <p>21 parties hereto.</p> <p>21 DATED: 6/6/2016</p> <p>22 <%signature%></p> <p>23 CAMMI R. BOWEN</p> <p>24 CSR #13492</p> <p>25</p> <p style="text-align: right;">Page 327</p>	